

Appln. No. 10/638,158

Amendment dated February 1, 2005

Reply to Office Action mailed November 2, 2004

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2

Attachment: Replacement Sheet 2

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REMARKS

Reconsideration is respectfully requested.

Claims 1 through 8, 10 through 15 and 18 through 20 remain in this application. Claims 9, 16 and 17 have been cancelled. Claims 21 through 23 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 2 and 3 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 2 of the drawings as originally filed, the protective covering on the distal end flange has been added. Additionally, attention is directed to the handle portion (66) shown in Figure 2 as originally filed. The handle portions coupled to the lower jaw (23) extends at an angle of about 35 degrees from the plane of the lower jaw (23). The handle portion coupled to the upper jaw (21) extends at an angle of about 50 degrees from the plane of the upper jaw (21) and additionally pivots with respect to the upper jaw (21) through to about 35 degrees with respect to the upper jaw (21) to close the jaws together. Therefore, it is submitted that the handle portion meets the requirements of claim 20.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraphs 4-6 of the Office Action

Claim 14 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

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The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claim 14 is therefore respectfully requested.

Paragraphs 7-25 of the Office Action

Claims 1-5, 8, 11-13 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by US Patent 298,682 to Finch.

Claims 14, 18 and 20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over US Patent 298,682 to Finch.

Claim 6 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over US Patent 298,682 to Finch in view of US Patent 4,141,452 to Martin et al.

Claim 1, particularly as amended, requires "wherein said guide assembly includes a collar member coupled to said clamp assembly" and "said guide assembly further including an extension member slidably inserted through said collar member". These limitations have been taken from claim 9.

Examiner has indicated in paragraph 28 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 9 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 9 and any intervening claims, is believed to be allowable.

Claims 2 through 6, 8, 11 through 14, 18 and 20 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 through 6, 8, 11 through 14, 18 and 20 are also believed to be allowable over the cited reference.

Claim 16 has been cancelled.

Withdrawal of the §102(b) rejection of claims 1-5, 8, 11-13 and 16 is therefore respectfully requested.

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Withdrawal of the §103(a) rejection of claims 14, 18 and 20 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claim 6 is therefore respectfully requested.

Paragraphs 26 and 27 of the Office Action

Claim 17 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over US Patent 298,682 to Finch in view of US Patent 5,692,311 to Paquin.

Claim 17 has been cancelled.

Withdrawal of the §103(a) rejection of claim 17 is therefore respectfully requested.

Paragraph 28 of the Office Action

Paragraph 28 of the Office Action states that claims 7, 9, 10, 15 and 19 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 9 (in its as-filed form) into the recitation of claim 1, and therefore claim 1 is believed to be in condition for allowance. Claims 2 through 8, 10 through 15 and 18 through 20, by virtue of their dependency from amended claim 1, are also submitted to be in condition for allowance.

New Claims:

New claims 21 through 23 have been added to vary the scope of the claims and clarify the present invention. All limitations are supported by the original disclosure including the specification, drawings and original claims. Claim 21 incorporates the limitations claim and the limitation that the extension member is slidably mounted on the clamp assembly and that the extension member is arcuate which is not taught by the references cited in the Office Action therefore, it is believed that claim 21 is in condition

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for allowance. Claims 22 and 23 are dependent on claim 21, which is believed to be in condition for allowance, and therefore are also believed to be in condition for allowance. Therefore, no new matter has been added. The new claims are believed to be allowable.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By 

Date: 2/1/05

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